

STATE OF SOUTH CAROLINA,  
COUNTY OF Marlboro  
Charles E. Thomas  
Plaintiff,  
vs.  
South Carolina Department of  
Corrections, et al Defendant.

IN THE COURT OF COMMON PLEAS 2018

SUMMONS GENERAL COUNSEL

FILE NO.

2017 CP 4004347

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herewith, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

, South Carolina

Charles E. Thomas

Plaintiff/Attorney for Plaintiff

Dated:

July 10, 2017

Address:

South Carolina Department of Corrections  
4404 Broadview Rd  
Columbia, SC 29210  
Charles E. Thomas #128376  
Evans Corr. Inst. / F4A-260 275  
610 Hwy 9 West  
Bennettsville, S.C. 29512

2017 JUL 16 AM 9:16  
JEANETTE W. CECIL  
C.C. & S.S. CIND  
FILED  
RICHLAND COUNTY

STATE OF SOUTH CAROLINA  
COUNTY OF Marlboro

Charles E. Thomas  
Plaintiff,

vs. South Carolina Department of Corrections, et al  
Defendant(s).

October 02, 2018

IN THE COURT OF COMMON PLEAS  
Civil Action No. 2017 CP 4004347

MOTION AND DEMAND  
TO

Refile the above action  
order to serve Defendant(s) the  
Summons and Complaint

Allow a modified version of  
The original Complaint

Copies of Three (3) Summons  
and Complaint

2018 OCT 17 PM 4:00  
FILED  
JANETTE H. BRIDE  
CLERK, C.P. & C.V.

Dear Clerk of Court,

I was at a hearing today at this Court. I think Judge Benjamin said something about a Continuation, and to refile on Case No. 2017-CP-40-4347, dismissing two (2) of the motions. Due to me not serving the Defendant(s) the Summons and Complaint. Therefore I would like to move the Court to allow me to refile this action to bring it into proper form. Also reminding the Courts that I am a Pro Se litigant (1983) and is filing under In forma pauperis guidelines. Also if possible, the Plaintiff request Three (3) Copies of the Summons and the Complaint.

Sincerely,  
Charles E. Thomas  
Plaintiff

October 02, 2018

# COVER SHEET

Complaint and or Allegations

Charles Edward Thomas  
Plaintiff,

vs.

South Carolina Department of Corrections et al  
Defendants.

October 05, 2018

# Civil Action Complaint

Violation: Title II of The Americans with Disabilities Act.

Section 504 of The Rehabilitation Act of 1973

Discrimination.  
(etc, all)

Charles Edward Thomas #124376

Plaintiff,

vs.

South Carolina Department of Corrections et al

Defendant(s)

October 05, 2018

RICHLAND COUNTY  
FILED  
2018 OCT 17 AM 9:00  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

## Statement

On September 02, 2004, I was sentence to the South Carolina Department of Corrections for a probation violation with pending charges. I completed (3) three months. Then I was sent back to The Richland County Jail, also known as Alvin S. Glenn Detention Center on December 31, 2004. Then on February ~~28~~<sup>14</sup>, 2005, I was sentence to 18 years for burglary 1st degree, again to The South Carolina Department of Corrections. I was housed at The Kirkland Correctional Institution Receiving and Evaluation (RTE). On both occasion, I was segregated from the inmate general population, and restricted to the (D) dorm in the lower structure of the dormitory. Which was known to most inmates and employees as The HIV/AIDS dorm. Also on both occasion I was segregated and restricted to The Marion, Wateree then later The Monticello Dormitory at The Broadriver Correctional Institution. You can say from September 02, 2004 to October 31, 2013, I was automatically, <sup>and</sup> illegally segregated, solely due to my disability. I was also discriminated against for (9) nine years. The following violations and accompanied case cites, to prove my allegations. I was added to a class action suit, that was initiated in 2001. I presume that the administrative process, was done by Mr. Bowman in that class action. It should solidify my claim since the allegations are exact.



I was illegally segregated solely due to my disability. Which in a landmark 1998 Supreme Court decision brought this issue to what appears to be a final determination. The Court in *Bragdon v. Abbott* (1998) held that a patient's positive HIV status was a disability under the ADA, even when the HIV-positive person was asymptomatic. Also under the ADA, it prohibits discrimination. My rights to privacy was violated, my civil rights was violated, my 5th, 14th Amendment rights to the United States Constitution, to which I am protected under and guaranteed by. Not to mention state and federal laws. This case was later taken up by the American Civil Liberties Union (ACLU), who filed another class action on behalf of the S.C. incarcerated HIV positive inmates. In which the ACLU argued the class action. An injunction was rendered. July 10, 2013 was the day, when the South Carolina Department of Corrections made history. They had to desegregate all of the HIV positive inmates. I do believe as being a United States Citizen of America, I am guaranteed equal protection of the law. I was not granted that for (9) nine years. The defendants was negligent in their approach and preparation in housing HIV inmates without regards to my confidentiality and right to privacy. There was approximately (1,100) <sup>(99)</sup> eleven hundred

non-HIV inmates, who on a daily basis, knew my HIV status due to situated housing assignments. I did not sign a consent form for the defendants to share my private medical information. But I did sign a legal document stating that my medical condition would be kept confidential, but it was not. The dormitories named in this statement, were tell tale signs. These are the various violations that was done to me.

### Violation(s)

#### Supportive Case Cites

(1) Title II of The Americans with Disabilities

Case Cite Title II Americans with Disabilities Act 42 U.S.C. 12132

(2) Federal Law

Case Cite Mandate from U.S. Supreme Court, Bragdon v. Abbott 524 U.S. 624 (1998)

(3) Color of State law

Case Cite Atkins v. Lanning, D.C. Okl., 415 F. Supp. 186, 188

(4) State Laws

Case Cite S.C. Rule title 44-29-135 (a)(b)(c) page 396

Confidentiality of Sexually Transmitted Disease.

South Carolina Constitution Article 1 Section 10

The state do have a privacy law.

South Carolina Constitution Article 1 Section 3

Due process and equal protection of law 1970 (56)

2684, 1971 (57) 315. Page 42 note 26

Case Cite Amendments 5 + 14 Due process and equal protection of the law.

### Conclusion

In my conclusion, I ask the Court to make a conscientious decision, as to was or was not the conduct of the defendant(s) within strict conformity of state and federal laws.

### Relief Sought

The plaintiff in the foregoing Civil Action suit, humbly ask the Court to grant punitive and compensatory damages for the suffering bestowed upon the plaintiff by the defendant(s). (1) Breach of Confidentiality (2) Emotional and mental anguish (3) Discrimination (4) Disadvantage of a person with a disability. And any other remedy deemed just and fair by the Court. Plaintiff seek \$300,000.00 and immediately release from custody without paper work. ✓  
An out of court Settlement is negotiable.

Sincerely,  
Charles E. Thomas  
Plaintiff

October 05, 2018



# NOTARY SERVICE

Sworn to and before me

This 5<sup>th</sup> day of October 2018

S. Overton

Notary Public for South Carolina

RICHLAND COUNTY  
FILED  
2018 OCT 17 AM 9:09  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

My Commission Expires 2/17/24

Charles E. Thomas  
Plaintiff

October 05, 2018  
Date

# NOTARY SERVICE

SWORN TO AND BEFORE ME

THIS 20 DAY OF November 2018

Susan Cluck  
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES 2-17-24

Charles E. Frenns  
PLAINTIFF  
11/20/2018  
DATE